

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

IN RE: PHARMACEUTICAL INDUSTRY
AVERAGE WHOLESale PRICE
LITIGATION

)
) MDL No. 1456
) Master File No. 1:01-CV-12257-PBS
) Sub-Category Case No. 1:08-CV-11200
)

THIS DOCUMENT RELATES TO:
*United States ex rel. Linnette Sun and Greg
Hamilton, Relators*
v.
Baxter Healthcare Corporation

) Judge Patti B. Saris
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**DECLARATION OF SHAMIR PATEL IN SUPPORT OF
BAXTER HEALTHCARE CORPORATION'S OPPOSITION
TO RELATORS' MOTION FOR RECONSIDERATION**

I, Shamir Patel, duly declare under penalty of perjury as follows:

1. I am an attorney at law admitted to practice in the State of New York and the District of Columbia and am an attorney in the law firm of Dickstein Shapiro LLP, counsel for Defendant Baxter Healthcare Corporation. I am familiar with all of the facts and circumstances herein. I make this declaration in support of Baxter Healthcare Corporation's Opposition to Relators' Motion for Reconsideration in the above-captioned action.

2. Attached hereto as Exhibit A is a true and correct excerpted copy of the ECF Daily Docket sheet for October 7, 2011.

3. Attached hereto as Exhibit B is a true and correct copy of Lexis Nexis Daily Docket sheet for October 7, 2011.

4. Attached hereto as Exhibit C is a true and correct excerpted copy of the ECF Notice of Electronic Filing of the October 7, 2011 Joint Notice of Settlement of Ven-A-Care Claims as to the Baxter Parties and Request that Court Dismiss Settled Claims in Accordance

with Stipulation of Dismissal With Prejudice of Baxter Parties and Motion for Order of Dismissal With Prejudice.

5. Attached hereto as Exhibit D is a true and correct excerpted copy of the ECF Notice of Electronic Filing of the October 7, 2011 Stipulation of Dismissal With Prejudice of Certain Claims Against Baxter Parties and Motion for Order of Dismissal With Prejudice.

I hereby swear that the foregoing statements are true to the best of my knowledge, information, and belief.

Dated: February 22, 2012

/s/ Shamir Patel
Shamir Patel
DICKSTEIN SHAPIRO LLP
1825 Eye Street NW
Washington, DC 20006
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Counsel for Defendant Baxter Healthcare
Corporation

CERTIFICATE OF SERVICE

I hereby certify that I, Shamir Patel, an attorney, electronically filed the foregoing DECLARATION OF SHAMIR PATEL IN SUPPORT OF BAXTER HEALTHCARE CORPORATION'S OPPOSITION TO RELATORS' MOTION FOR RECONSIDERATION with the Clerk of the Court for the District of Massachusetts using the Court's CM/ECF system on February 22, 2012. I also caused a true and correct copy of the foregoing document to be delivered to all counsel of record by electronic service via LexisNexis File & Serve, for posting and notification to all parties.

/s/ Shamir Patel
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